Review Article: Theories of International Justice

CHRIS BROWN*

A late-twentieth century political theorist presented with an essay on 'Theories of Justice' would be able to predict with some confidence what he or she was about to read.[1] Justice is widely acknowledged to be a legitimate topic for political theory, and there are a number of recent studies which are exemplary as to content and style – most obviously the work of Rawls, but also of, amongst others, Nozick, Walzer, Sandel, Scanlon and Barry.[2] These exemplary studies have generated an extensive secondary literature: the major figures in the 'Justice' industry comment upon and develop each others work, and are, in turn, the subject of commentary by the next generation. Obviously there is, as yet, no consensus as to the actual nature of justice, but there *is* quite general agreement as to how to go about investigating the subject. In short, this is, to apply a Rawlsian term, a 'well-ordered', professional, branch of political theory – and Rawls is an appropriate reference point here, since the professionalism of this discourse is largely attributable to the central role played by his work and the literature it has generated.[3]

The reason for setting out this description of a well-ordered discourse is that once the focus shifts from 'justice' to 'international justice' virtually none of the professional characteristics set out above can be discerned. Contrary to the near-universal acceptance of justice as a legitimate topic in political theory,

[1] An excellent example of such an essay would be David Miller, 'Review Article: Recent Theories of Social Justice', *British Journal of Political Science*, 21(1991), 371–91.

[2] John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), and *Political Liberalism* (New York: Columbia University Press, 1993); Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974); Michael Walzer, *Spheres of Justice* (Oxford: Martin Robertson, 1983); Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982); Thomas Scanlon, 'Contractualism and Utilitarianism' in Amartya Sen and Bernard Williams, eds, *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982), pp. 103–28; Brian Barry, *Theories of Justice* (Hemel Hempstead, Herts: Harvester-Wheatsheaf, 1989); and *Justice as Impartiality* (Oxford: Oxford University Press, 1995).

[3] See Rawls, *A Theory of Justice*, p. 453. The dominance of Rawls can, of course, be exaggerated, and there are important contemporary writers who do not simply disagree with his account of justice, but regard his project as misconceived; see, for example, Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988).

orthodox *International Relations theory* is at best indifferent, at worst actively hostile, to the idea of international justice as a focus for intellectual effort.[4] Moreover, many of the leading critics of orthodoxy are equally hostile to thinking of justice in terms that would be recognized by most of the authors identified above – some, at least, of the authors of the recent, post-positivist turn in International Relations theory are as sceptical of normative theory as the positivists they wish to supplant.

There is, indeed, and always has been, a minority of writers who do regard justice as a central and legitimate concern of International Relations theory – for convenience, these writers, of whom Hedley Bull, Stanley Hoffmann and Terry Nardin can be taken as exemplars, can be identified as producing *international political theory* – but even here there is little agreement as to what constitutes exemplary work, little sense that international political theorists are all addressing the same agenda – even in the rather limited sense that, say, Michael Walzer and Brian Barry are addressing the same agenda.[5] However, there is one common feature of most of this work, which is that justice is defined largely in formal or procedural terms; social or distributive justice is not a major focus. From a different angle, a number of contributors to the *theory of justice* have always had much to say about the international dimension of the subject – in particular Walzer and Barry[6] – while others, including Rawls himself, are now closing in on the topic.[7] Although not all of these writers are primarily theorists of distributive justice, they tend to engage with each other, rather than with either theorists of International Relations or international political theorists, thereby adding to, rather than diminishing, the plurality of ways of addressing the topic of international justice.

This characterization of the field provides the agenda for what follows; the aim of this article is to convey a sense of the range of literature that currently addresses the topic of international justice. It is organized into four, unequal sections. First, orthodox International Relations theory and its lack of interest in international justice as a research topic will be, briefly, expounded. This negative starting point will lead into, secondly, a rather more extensive exploration of recent contributions to international political theory. Thirdly,

---

[4] As is conventional I use International Relations with initial capitals to denote the academic discipline/field; international relations, lower case, is the subject matter of International Relations.

[5] I take Barry to be one of the strongest defenders of 'universalist' accounts of justice and as such the sternest critic of Walzer's (alleged) relativism; see Brian Barry, 'Spherical Justice and Global Injustice', in David Miller and Michael Walzer, eds, *Pluralism, Justice and Equality* (Oxford: Oxford University Press, 1995), pp. 67–80.

[6] Michael Walzer, *Just and Unjust Wars*, 2nd edn (New York: Basic Books, 1992); Brian Barry, 'Can States be Moral? International Morality and the Compliance Problem', 'Humanity and Justice in Global Perspective' and 'Justice as Reciprocity', in Barry, *Democracy Power and Justice: Essays in Political Theory* (Oxford: Clarendon Press, 1989), pp. 411–33, 434–62 and 463–93.

[7] Most prominently in 'The Law of Peoples', in Stephen Shute and Susan Hurley, eds, *On Human Rights: The Oxford Amnesty Lectures 1993* (New York: Basic Books, 1993), pp. 41–82, but also in *Political Liberalism*.

incursions by justice theorists into the international realm will be described and assessed. Finally, some recent developments which promise at least a partial merging of agendas will be examined.

   Three restrictions and two expansions of my topic should be noted. First, for reasons of space – and because it has been well done elsewhere[8] – I will not attempt any survey of general theories of social justice beyond what is required to provide the necessary background to the international dimension of this work. Secondly, for similar reasons, I will not focus directly on issues such as secession, free movement, self-determination or the rights of minority cultures, although such issues are, of course, indirectly addressed throughout.[9] Thirdly, I will not attempt to examine the work of international lawyers. Fourthly, and especially when examining the work of international political theorists, I will define justice quite loosely; I take the core notion of justice to revolve around the idea that some entity (an individual, a people, a community, a state, an ecosphere) is entitled, as a matter of right rather than charity, to receive the treatment proper to it. Finally, international justice is not an area where a relatively small number of books dominate the field and so in this literature survey I will examine more books than is usual, some of them produced in the early 1980s rather than the early 1990s; however, as is customary, I will only occasionally, and when unavoidable, refer to the journal literature.

INTERNATIONAL JUSTICE AND INTERNATIONAL RELATIONS THEORY

Orthodox International Relations theory in the 1990s remains wedded to one or other version of the 'realist' doctrine which captured it in the aftermath of the Second World War.[10] Post-war realism, as defined by Hans Morgenthau, was centred on the notion that states are the key international actors, that they are motivated internationally by the pursuit of self-interest, and that self-interest in this context can be more or less equated to power maximization. This position was explicitly formulated to combat the view that states have the capacity to collaborate in international institutions in order to promote the common good – a view stigmatized as 'Utopian' (and actually counter-productive to the cause

   [8] See Miller, 'Theories of Social Justice'; Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992); and Barry, *Theories of Justice*.
   [9] See, for example, Allen Buchanan, *Secession: The Morality of Political Divorce* (Boulder, Colo.: Westview, 1991); Brian Barry and Robert Goodin, eds, *Free Movement* (Hemel Hempstead, Herts: Harvester-Wheatsheaf, 1992); David Miller, *On Nationality* (Oxford: Oxford University Press, 1995); Will Kymlicka, ed., *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995).
   [10] As Stanley Hoffmann articulated so clearly, International Relations is an American social science ('An American Social Science: International Relations', *Daedalus*, 106 (1977), 41–61) and 'orthodox' or 'conventional' International Relations theory is even more American than the rest of the discipline. Of contemporary British scholars only Barry Buzan, Richard Little and Charles Jones, *The Logic of Anarchy* (New York: Columbia University Press, 1993), could be said to have made a major contribution to orthodoxy; by contrast, perhaps for reasons of intellectual comparative advantage, British, Australian and Canadian scholars have contributed disproportionately to anti-orthodox writings, and to international political theory.

of peace) by E. H. Carr in his account of the international relations of the interwar era.[11] These classical realists, unlike many of their successors, had a fairly clear ethical position, but they did not, and could not, develop notions of international justice. Their ethics have been ably summarized and analysed, in Daniel Warner's under-appreciated book, as based on *An Ethic of Responsibility*.[12] Figures such as Morgenthau, and (perhaps especially) Reinhold Niebuhr and Arnold Wolfers were deeply concerned with the morality of statecraft, but, as Warner demonstrates, they set up the problem in such a way that the responsibility of the diplomatist is primarily to the polity which he or she represents.[13] As Warner also elaborates, this position is closely linked to the conception of political action set out in Weber's post-1919 political writings – a link that is unsurprising given the German and liberal origins of many of the key classical realists.[14]

One of Warner's achievements is to convey the ethical seriousness of these writers, but what he cannot produce, because it is not there, is a realist theory of international *justice* in which states receive what is their *due* or have the *right* to expect certain kinds of treatment.[15] Such notions are radically at odds with a doctrine that maintains that outcomes will always reflect the distribution of power, and that states are incapable of taking the interests of other states into account unless it is, temporarily, in their advantage to do so. On the realist account of things, states relate to other states in a way analogous to the way in which individuals relate to each other in a Hobbesian state of nature; in the absence of a sovereign with coercive power 'justice' is unavailable. The best that can be hoped for is that a weak notion of justice might be grounded on a limited set of circumstances under which it would be rational for every state to abide by norms which benefit some without hurting others – i.e. that require only changes that are Pareto-optimal.[16] However, even if this possibility exists – and

[11] Hans Morgenthau, *Politics Among Nations* (New York: Knopf, 1948) p. 5; E. H. Carr, *The Twenty Years Crisis* (London: Macmillan, 1939). For commentaries, see Michael J. Smith, *Realist Thought from Weber to Kissinger* (Baton Rouge: University of Louisiana Press, 1986); and Jack Donnelly, 'Twentieth Century Realism', in Terry Nardin and David Mapel, eds, *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), pp. 85–111.

[12] Daniel Warner, *An Ethic of Responsibility in International Relations* (Boulder, Colo.: Lynne Rienner, 1991).

[13] Reinhold Niebuhr, *Moral Man and Immoral Society* (New York: Charles Scribner's Sons, 1932); Arnold Wolfers, 'Statesmanship and Moral Choice', in Wolfers, ed., *Discord and Collaboration* (Baltimore: The Johns Hopkins Press, 1962), pp. 47–66.

[14] Warner, *An Ethic of Responsibility*, *passim*. A. J. H. Murray also stresses Morgenthau's moral commitment, but in the context of the Christian Realist tradition; see 'The Moral Politics of Hans Morgenthau', *Review of Politics*, 58 (1996), 81–107.

[15] Indeed, one of Warner's sources, Martin Buber, produces an ethics more in line with that of postmodern critics of justice (Warner, *An Ethic of Responsibility*, pp. 102–14).

[16] See, for example, David Gauthier, *Morals by Agreement* (Oxford: Clarendon Press, 1986); and, with special reference to an international problem, 'Deterrence, Maximisation and Rationality', *Ethics*, 94 (1984), 106–22. I am grateful to an anonymous referee for stressing this point.

Hobbes denies that it does – it assumes that states are interested primarily in their absolute, as opposed to relative, position, which is contestable.

In any event, classical realism went into a decline in the 1970s, and there are relatively few writers today who can be identified as addressing the old realist agenda. Robert C. Tucker and David Hendrickson employ the old categories in their post-Gulf War critique of US foreign policy, *The Imperial Temptation*.[17] Likewise Henry Kissinger's *Diplomacy* is a voice from a more urbane past.[18] The move away from classical realism in the 1970s was largely generated by the apparent rise in significance of non-state actors such as the international business enterprise, the increasing importance of international economic relations and the lessons drawn from the inability of the United States to win the Vietnam War, in spite of the manifest differences of power between the two parties. A simple model in which political–strategic power was all important and determined outcomes across the board was clearly inadequate. Realism entered a crisis, out of which emerged two revised doctrines – neorealism (sometimes known as structural realism) and pluralism (later revised as neoliberal institutionalism, or neoliberalism for short).

Neorealism's classic statement has been given by Kenneth Waltz in his *Theory of International Politics*.[19] Waltz's key move was to abandon a great deal of territory in order to buttress a core realist heartland. In his hands, realism ceased to be a comprehensive account of international relations and became instead a theory of the international *system*. States are assumed to be similar kinds of units, albeit with different capacities; they are motivated by a desire to survive; and, in a formally non-hierarchical, anarchic world structure composed of like units, self-help is the order of the day. A constant concern with relative power is mandated by the structure of the system: states that fail to respond to system imperatives will 'fail to prosper, will lay themselves open to dangers, will suffer', and, since it is assumed that states do not want this to happen, the theory predicts that they will adjust their behaviour accordingly.[20] The gap between this position and that of classical realism will be immediately apparent: for Waltz, the idea that 'statesmanship and moral choice' might be a serious topic would be hardly worth considering. Statecraft can only be about reading the systemic imperatives aright – no other basis for choice remains.

Neorealism narrowed the scope of classical realism the better to protect the root idea. The alternative response to the crisis of realism in the 1970s initially seemed to be preparation to abandoning this root idea altogether. The pluralist model of 'complex interdependence' as elaborated by Keohane and Nye in 1977

[17] Robert C. Tucker and David Hendrickson, *The Imperial Temptation* (New York: Council on Foreign Relations, 1992).

[18] Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994).

[19] Kenneth Waltz, *Theory of International Politics* (Reading, Mass.: Addison Wesley, 1979). Waltz had previously been thought of as a classical realist on the strength of his equally important, but more conventionally argued, *Man, the State and War* (New York: Columbia University Press, 1959).

[20] Waltz, *Theory of International Politics*, p. 118.

explicitly offered itself as an alternative to realism. More accurately, realism was seen as a special case of a wider model in which generally the state is not a unitary actor, there is no pre-given hierarchy of issues, and force normally is not employed.[21] This is a position which owes something to the liberal internationalism stigmatized as 'Utopian' and 'idealistic' by the realists, and, at least in principle, complex interdependence opens up the possibility of normative arguments. Whereas the classical defence of the realist assumption of national self-interest was on the grounds that states are self-contained, Hobbesian 'persons' who relate to each other only as potential threats, as Beitz argues in his pioneering study (on which more below), this Hobbesian analogy is undermined by the fact of interdependence.[22] However, as Beitz later acknowledged, a positive normative position is difficult to derive from this fact. For the politics of interdependence might well – almost certainly does – involve great inequalities, and there is no necessity that an interdependent world be a Rawlsian co-operative venture for mutual advantage.[23]

In any event, whatever openings 1970s pluralism might have offered to a concern with international justice, developments of the approach in the 1980s and 1990s moved in another direction. Pluralism evolved into 'neoliberal institutionalism' and came to share many features with neorealist thought – in particular, the assumptions of international anarchy, state-centricity and rational egoism.[24] Gradually, the differences between neorealism and neoliberalism – while still significant to their adherents – have become minor to outsiders who might now be tempted to see both positions as variants of a single 'rational choice realism'. This process of coming together is best traced via an excellent collection of papers edited by David Baldwin – *Neorealism and Neoliberalism*.[25] This book is largely organized around a distinction first brought to prominence by Joseph Grieco in a paper included in the collection, that between absolute and relative gains.[26] His point is that neoliberals assume that states will maximize their *absolute* gains and are indifferent to the gains of others. They

[21] Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston, Mass.: Little, Brown, 1977); see especially chap. 2.

[22] Charles R. Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979).

[23] Beitz, 'Cosmopolitan Ideals and National Sentiment', *Journal of Philosophy*, 80 (1983), 591–600, responding to Barry, 'Humanity and Justice'; and David Richards, 'International Distributive Justice', in J. R. Pennock and J. W. Chapman, eds, *Nomos XXIV* (New York: New York University Press, 1982), pp. 275–99.

[24] Robert O. Keohane, *After Hegemony* (Princeton, NJ: Princeton University Press, 1984); and *International Institutions and State Power* (Boulder, Colo.: Westview, 1989).

[25] David A. Baldwin, ed., *Neorealism and Neoliberalism: The Contemporary Debate* (New York: Columbia University Press, 1993). One major, orthodox, contemporary theorist missing from this collection is the neorealist John Mearsheimer; for his forceful critique of neoliberalism, see 'The False Promise of International Institutions', *International Security*, 19 (1994/95), 5–49, part of a special issue entitled 'Get Real'!

[26] Joseph M. Grieco, 'Anarchy and the Limits of Co-operation', in Baldwin, *Neorealism and Neoliberalism*, pp. 116–40.

regard cheating as the 'greatest impediment to co-operation among rationally egoistic states' (p. 117), an impediment that can be partially overcome by institutionalization. Neorealists acknowledge the importance of absolute gains and compliance problems, but regard states as *positional* rather than atomistic in character and thus concerned with the gains of others. International co-operation is handicapped by cheating, but also by the fact that states are necessarily concerned with *relative* gains. Most of the papers in Baldwin's collection revolve around this characterization of the relationship between the two theories. This is the best single collection on modern, orthodox, International Relations theory, and a good introduction to the subject for non-specialists.

A normative dimension to the debate between neorealists and neoliberals clearly does exist. Neoliberals see compliance problems as central to international co-operation, and regard the emergence of a norm of reciprocity as a critical factor in minimizing 'cheating' in international institutions.[27] Neorealists are less worried by cheating, pay more attention to relative gains, and place little reliance on norms of any kind. However, by their acceptance of rational egoism as the key motivator of state conduct, and anarchy as the condition of the international system, neoliberals have condemned themselves to a very 'thin' account of norms. At best, such norms would amount to little more than habits of co-operation which might emerge as a result of the growth of networks of international institutions and, as such, they would always be vulnerable to the short-term advantages that might accrue from cheating. In any case, given the assumptions of rational egoism and anarchy, the neorealist assumption that states are concerned with relative gains seems highly plausible, and thus even the thin notion of norms upon which neoliberals rely is put in jeopardy. This is a familiar story: once again International Relations theorists are looking to solve problems of co-operation set up on Hobbesian lines without resort to a Hobbesian sovereign. In this respect at least, the scepticism of neorealists is justified.

It is clear in any case that neither of the main branches of orthodox International Relations theory have much to say about international justice – indeed they have rather less to say than classical realism, which was at least aware of the existence of a problem. The importance of rational choice realism lies rather in the gravitational effect it has had on the discipline as a whole, pulling International Relations away from the normative concerns which were characteristic of 'Utopian' liberal internationalism and which the older classical realists were obliged at least to confront.[28] So successful has orthodoxy been in excluding normative concerns that many of its critics have felt obliged to

---

[27] The notion of an international 'regime' is important here: see, for a good recent collection, Volker Rittberger, ed., *Regime Theory and International Relations* (Oxford: Clarendon Press, 1993).

[28] On liberal internationalism, David Long and Peter Wilson, eds, *Thinkers of the Twenty Years Crisis: Inter-War Idealism Reassessed* (Oxford: Clarendon Press, 1995), is an important recent source.

challenge it on methodological and epistemological grounds rather than to contest its account of the world directly.[29] These postmodern and 'constructivist' critiques have considerable power, and are obviously at least partially driven by an unhappiness with the moral vacuity of orthodox International Relations theory, but the form they take makes it difficult, if not impossible, for them to articulate alternative ethical understandings of the world. Thus the power of orthodoxy is demonstrated by its control over the thinking of even its bitterest opponents. As the final section of this article will argue, it may be that the increasing narrowness of orthodox International Relations theory is beginning to create openings for new alternatives – as orthodoxy abandons territory, new settlers may arrive – but, for the moment, international justice is a topic that has been addressed only by a minority of International Relations scholars.

INTERNATIONAL POLITICAL THEORY AND INTERNATIONAL JUSTICE

The threefold distinction between international political theory, International Relations theory and the theory of justice which underpins this article is by no means clear-cut, and some degree of stipulation is necessary here. I take it that international political theorists such as Stanley Hoffmann, Terry Nardin and Hedley Bull share with International Relations theorists a central concern with the state, but couple this with a concern that inter-state relations be understood as potentially governed by relations of justice. This they share with justice theorists, but the characteristic form of justice studied by international political theorists is 'procedural' or 'formal' rather than 'social' or 'distributive'. Hence, the characteristic topics of international political theory are aggression and non-aggression, the just war, intervention and non-intervention, and, more generally, the legal and political rights of states or political communities.

Understood in this way, international political theory can lay claim to being an older approach to International Relations than the orthodox theory examined in the previous section. The claim of many international political theorists is that their concerns spring out of and represent the wisdom of the European diplomatic tradition – a wisdom that post-1945 American realism oversimplified, coarsening into a crib for 'an American audience in need of a crash course in statecraft'.[30] International political theory nevertheless remains a discourse associated with the outer edges, geographically and metaphorically,

[29] See, for example, the essays collected in James Der Derian and Michael Shapiro, eds, *International/Intertextual Relations: Postmodern Readings of World Politics* (Lexington, Mass.: Lexington Books, 1989), or, Alexander Wendt, 'Anarchy is What States Make of It: The Social Construction of Power Politics', *International Organisation*, 46 (1992), 391–425; and Wendt, *Social Theory and International Relations* (Cambridge: Cambridge University Press, forthcoming).

[30] Hedley Bull, 'The Theory of International Politics, 1919–1969', in Brian Porter, ed., *The Aberystwyth Papers: International Politics 1919–1969* (London: Oxford University Press, 1972), pp. 30–55, at p. 39. It should be noted that many of the central figures of American realism, including Hans Morgenthau himself, were Europeans in exile in the United States.

of mainstream International Relations, and the many American scholars who have contributed to international political theory usually turn out to have had close affiliations on the other side of the Atlantic.

A major source of international political theory is the so-called 'English School', whose founding fathers were Martin Wight and Hedley Bull.[31] The essays of Wight and, especially, Bull's 1977 work *The Anarchical Society* are the Ur-texts of the school.[32] Bull's title conveys his message succinctly. As neorealism and neoliberalism insist, international relations are anarchic; but international order, indeed, an international society, is sometime possible and not simply because of the chance happening of a balance of power. On the contrary, while the balance of power is indeed an important foundation for order, Bull does not believe that a balance will endure unless it is based on normative principles, unless, that is, it is, in some sense, a *just* order. However, while justice is important to Bull, he takes international justice to be 'commutative' – that is to say, 'based on the recognition of rights and duties by a process of exchange or bargaining' – rather than distributive.[33] In effect, this is another version of the by-now-familiar argument that order in a Hobbesian state of nature does not necessarily require a Hobbesian sovereign and, as such, is open to the stock objections outlined above. In any event, for Bull, order is a more basic value than justice, and if order can only be sustained by means that are palpably unjust, so be it.[34] The problem with this position is that it is difficult to see why we should accept that order without justice is always and necessarily preferable to disorder; there is some evidence that, towards the end of his life, Bull saw the force of this criticism.[35]

The Anarchical Society is a work of 'grand theory' and, one way or another, takes international justice as a central focus. However, in the years since Bull's death in 1985 the work of the 'English School' has avoided this kind of large-scale statement. Instead the focus has been on studies of particular topics, such as the late R. J. Vincent's work on human rights,[36] and collections of papers such as the products of the inter-university Seminar on International Political

[31] The standard reference for the 'English School' and its offshoots will be Timothy Dunne, *International Relations Theory in Britain from E. H. Carr to R. J. Vincent* (London: Macmillan, forthcoming 1997).

[32] Hedley Bull, *The Anarchical Society* (London: Macmillan, 1977), reissued with a brief introduction by Stanley Hoffmann in 1995; Wight's essays are to be found in Herbert Butterfield and Martin Wight, eds, *Diplomatic Investigations* (London: Allen & Unwin, 1965); and the posthumous collection, Martin Wight, *Systems of States* (Leicester: Leicester University Press, 1977). Less useful are his lecture notes, tidied up and published as Gabriele Wight and Brian Porter, eds, *International Theory: The Three Traditions* (London: Leicester University Press/Pinter, 1991).

[33] Bull, *The Anarchical Society*, p. 80.

[34] Bull, *The Anarchical Society*, p. 91. The affinities between this position and that of classical realism are easy to see.

[35] Hedley Bull, *Justice in International Relations: The 1983–4 Hagey Lectures* (Ontario: University of Waterloo, 1984).

[36] R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).

Theory which has met over the last two decades.[37] Michael Donelan's *Elements of International Political Theory* is a fine survey of approaches to the subject, but without the intention of developing a sustained position of its own.[38] The end of the Cold War has stimulated a revival of interest in some of the most important themes of the school – such as intervention, and the nature of the emerging international society – but, as yet, the literature it has generated has taken the form of articles in journals such as *Millennium: Journal of International Studies, The Review of International Studies* and *International Affairs* which are beyond the scope of this review.

For large-scale statements of international political theory over the last decade it is necessary to look beyond the English School to the United States and South Africa – although some of the key writers here have affiliations with the work of Bull and Wight. In the United States two key works of the early 1980s have been important in promoting international political theory and keeping alive an interest in international justice in the face of indifference from orthodoxy – Stanley Hoffmann's *Duties Beyond Borders* and Terry Nardin's *Law, Morality and the Relations of States*.[39] The South African scholar Mervyn Frost's *Towards a Normative Theory of International Relations* has had less immediate impact than the American work but is equally sweeping in scope.[40]

Although Hoffmann is incontestably an American scholar, much of his intellectual formation has been French; Raymond Aron was a major influence, and Hoffmann has been the most important interpreter of Rousseau to the English-speaking International Relations community.[41] These influences have allowed him to escape the worst effects of American neorealism. None the less, *Duties Beyond Borders* has some affinities with at least classical realism. Hoffmann describes his method as 'starting from what is and groping towards the "ought"; it is an attempt at uplifting politics'; he contrasts this objective explicitly with those of Rawlsian 'ideal theory' and with what he describes as Walzer's method in *Just and Unjust Wars* of moving from the ought to the is (p. 2).[42] None the less, Hoffmann is centrally concerned with international justice and moral behaviour in international relations. A great deal of what he has to say amounts to a restatement of the ethic of responsibility characteristic

---

[37]   James Mayall, ed., *The Community of States* (London: Allen & Unwin, 1982); Cornelia Navari, ed., *The Condition of States* (Milton Keynes, Bucks: Open University Press, 1991).

[38]   Michael Donelan, *Elements of International Political Theory* (Oxford: Clarendon Press, 1990).

[39]   Stanley Hoffmann, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse, NY: Syracuse University Press, 1981); Terry Nardin, *Law Morality and the Relations of States* (Princeton, NJ: Princeton University Press, 1983).

[40]   Mervyn Frost, *Towards a Normative Theory of International Relations* (Cambridge: Cambridge University Press, 1986); a much revised second edition appears as *Ethics in International Relations: A Constitutive Theory* (Cambridge: Cambridge University Press, 1996).

[41]   See Stanley Hoffmann and David P. Fidler, eds, *Rousseau on International Relations* (Oxford: Clarendon Press, 1991).

[42]   Not the usual criticism of Walzer, which is rather that he is *too* willing to make concessions to the 'is' at the expense of the 'ought'.

of early, classical realists – a stress on the virtues of prudence and a rejection of Utopian schemes for reshaping international relations.

However, Hoffmann also offers one of the first extended discussions of international distributive justice by an international political theorist (chap. 4, pp. 141–87). His response to attempts to import Rawlsian ideas (on which more below) into international relations is hostile and much of the text consists of a discussion of the practical problems involved in meeting the demands of the Third World and implementing remedies for poverty – remedies which, he rightly assumes, would involve breaks with the traditional claims of state-sovereignty. None the less, Hoffmann does not accept the minimalist view of international obligation characteristic of traditional realists such as Robert Tucker.[43] Instead he argues that international justice must be a matter 'both of rights of states and of rights of individuals' (p. 156). International justice should be concerned with at least the minimal rights of all people. However, we cannot say that this involves an obligation to full equality for everybody, everywhere, partly because there is no way we could meet such an obligation, partly because of 'the possibility of a moral conflict between making subsistence available to all, and starting with the poorest in one's own nation' (p. 157). 'And therefore, I end up somewhat inevitably with the philosophically untidy and politically elastic notion, that the scope of our obligations to individuals in other societies varies in time and in space' (p. 157). This is, indeed, rather untidy, but it represents a genuine attempt by a thoughtful international political theorist to work through the moral implications of his position. It is, I suspect, Hoffmann's commitment to this moral agenda as much as his actual ideas which has made him a key figure for a number of younger American international political theorists.[44]

A more rigorous and powerful model of international society than Hoffmann's is developed by Terry Nardin in *Law, Morality and the Relations of States* – the most impressive defence available of the existing international legal framework and of a proceduralist approach to international justice. Nardin's approach is based on a distinction elaborated by Michael Oakeshott.[45] In his original argument, Oakeshott distinguishes between 'enterprise' and 'civil' association. The former is essentially voluntary and non-political; the latter is concerned with the general arrangements of a society and is the only true form of a political association. Nardin takes from this the idea that civil association is the only form of association compatible with freedom of the individual and translates this into an account of an international society in which the individuality of the states of which it is composed is guaranteed. He maintains that international society works as a 'practical association', based on the authoritative practices of law and diplomacy, but fails as a 'purposive'

[43] Robert Tucker, *The Inequality of Nations* (New York: Basic Books, 1977).
[44] Most notably Michael J. Smith; see Smith, *Realist Thought*, and 'Liberalism and International Reform', in Nardin and Mapel, *Traditions of International Ethics*, pp. 201–24.
[45] Michael Oakeshott, *On Human Conduct* (Oxford: Oxford University Press, 1995).

association because the members of international society cannot in fact be presumed to share any purposes other than those required to co-exist in peace and (formal) justice.[46]

Formal justice for Nardin is encapsulated in the impartial application of rules that are themselves impartial 'in the sense that they do not discriminate arbitrarily against particular persons or ends' (p. 258).[47] Formal justice contrasts with 'substantive' or distributive justice. The latter notion has no role to play in international society because states have nothing to distribute in their roles as members of international society – this is hardly a surprising conclusion because Oakeshott made the same argument with respect to the domestic political order. To behave justly in international relations means to act in accordance with the rules and authoritative practices of the society of states. Attempts to expand this notion via, for example, demands for a New International Economic Order, misunderstand the nature of that society, taking it to be purposive rather than practical. The only basis for complaint about the existing order from the Third World would be if it could be demonstrated that the existing rules are not in themselves impartial or are not impartially applied. Not so, Nardin argues – the rules of practical association are impartial and impartially applied, although his argument does not commit him to the view that the same could be said for the rules of some *purposive* associations, such as the International Monetary Fund or other organs of the international economy.

The strength of Nardin's position is that he gives a firm philosophical and conceptual foundation for an account of international justice that is formal and based on the rights and obligations of states, thus supplementing – improving, even – less philosophical statements of a very similar position by Bull and Hoffmann. Nardin and Hoffmann have been major influences in the growth of the study of 'international ethics' in the United States, via organizations such as the Carnegie Council on Ethics and International Affairs and its journal *Ethics and International Affairs*. A Reader with the same title provides a useful introduction to this recent work – although it is interesting than none of the seventeen papers collected in this volume addresses directly the issue of international justice.[48]

Mervyn Frost has been associated with some members of the English School and his *Towards a Normative Theory of International Relations* takes a number of their themes and gives them a neo-Hegelian twist. In an English School way, he is concerned with the 'settled norms' in international relations,[49] which he

---

[46] Nardin renames Oakeshott's categories in order to escape the domestic connotations of 'civil' association; however, he creates a new confusion with his term 'purposive' association, because civil/practical association also is purposive, i.e. is devoted to the project of peaceful co-existence.

[47] This is definitely not to be confused with Barry's account of 'justice as impartiality'.

[48] Joel H. Rosenthal, ed., *Ethics and International Affairs* (Washington, DC: Georgetown University Press, 1995).

[49] 'A norm is settled where it is generally recognised that any argument denying the norm (or which appears to override the norm) requires special justification' (Frost, *Towards a Normative Theory*, p. 121).

takes to include a general endorsement of a sovereignty-based international system but also an endorsement of norms which appear to fly in the face of such a system, including those which mandate some kind of democratic government and the international protection of human rights. He seeks a background theory which reconciles this apparent contradiction, holding that neither utilitarianism, nor contract theory, nor Bull's notion of 'order' will do the job. One answer, of course, would be to downplay the significance of one set of norms, but Frost wishes to continue to hold to both sets. His answer is the 'constitutive theory of individuality', a neo-Hegelian formulation that stresses the role of ethical states in forming individual personality. On his account, the sovereign state is a pre-condition for democratic politics and a system of human rights. Of course, it is only *ethical* states that can fully perform the constitutive role, but Frost rather blunts the cutting edge of his position – and, perhaps, its plausibility – by his assumption that the vast majority of states are actually at least *trying* to be ethical in their conduct.

Even if Frost's position will not be convincing to those who do not share his account of the state, the value of his work lies in his recognition that, if the project of international political theory is to prosper, an attempt must be made to reconcile the norm of sovereignty with other norms – such as those covering human rights and social justice – which appear to be incompatible with sovereignty. Whereas Nardin offers the most impressive modern defence of international society as an association of sovereign states, Frost offers the most impressive attempt to acknowledge the contradiction between this association and the demands of social justice, and to provide a solution. Of course, it might be that the answer here is to take neither of these paths, but instead to change the nature of the argument in the manner of theorists of justice. This is the next step in this essay, but before taking it the final part of this section will be devoted to one area in the theory of international justice that emerges out of international political theory, and has experienced a quite dramatic burgeoning of literature in recent years: the theory of the Just War.

Just War thinking can be traced back to Aquinas, if not Augustine, and in its traditional form, survived to the present day incorporated in the Catholic natural law tradition.[50] However, its current manifestations owe more to America's recent wars than to medieval thought. One burst of Just War theory was generated by Vietnam. Most recently the Gulf War of 1990–91 has directly or indirectly re-aroused interest in the topic.[51] Of the many works of theory and practice on Just War published in the early 1990s, a number are worthy of comment, in particular the second edition of Michael Walzer's *Just and Unjust*

---

[50] Until the end of the Cold War reshaped the issue, the morality of nuclear deterrence was a major concern of the Catholic tradition; see, for example, John Finnis, Joseph Boyle and Germain Grisez, *Nuclear Deterrence, Morality and Realism* (Oxford: Clarendon Press, 1987).

[51] The Gulf War was particularly stimulating because the six months interval between Iraq's invasion of Kuwait in August 1990 and the Coalition's response in January 1991 allowed plenty of time for speculation.

Wars, Jean Bethke Elshtain's collection on *Just War Theory*, David Decosse's collection of essays directly on the morality of the Gulf War and Terry Nardin's collection on different ethical perspectives on justice in warfare.[52]

Michael Walzer's important study first appeared in the post-Vietnam era, and was re-issued, unchanged save for a new preface, in the aftermath of the Gulf War, the justice of which, in broad terms, he endorsed. *Just and Unjust Wars* is built around the idea that political communities have rights, in particular the rights to political independence and territorial integrity.[53] Since Iraq incontestably breached the independence and integrity of Kuwait it is unsurprising that Walzer would see the August 1990 invasion as legitimating a violent response. International justice does not require an examination of the merits of the Iraqi case, or the demerits of the Kuwaiti regime.[54] Any state recognized as a member of international society is thereby entitled to protection from acts of aggression unless it forfeits this protection by, for example, so grossly oppressing its people that it drives them into open revolt. The similarity of this position to that of the English School and other international political theorists makes it surprising that neither they nor Walzer appear to recognize each other as kindred spirits.

Walzer's principles are titled by him the 'legalist paradigm' (p. 58) and he is right to see them as a rough summary of the contemporary international legal regime governing the use of force. However, as the essays collected in Elshtain's *Just War Theory* make clear, Just War thinking was not, in its origins, so closely aligned with legal categories. The theologians and philosophers whose recent writings are represented in Elshtain's collection make it clear that the claims of justice cannot be understood simply in terms of responding to aggression. As extracts of the work of Paul Ramsey, James Turner Johnson and Robert L. Holmes make clear, the tradition is concerned with a wider definition of aggression than the legalist paradigm, and puts stress on factors such as 'right intention'. It is always necessary to investigate the motives of those who would 'right a wrong' – an attitude difficult to square with Walzer's criminalization of aggression. From Walzer's perspective, the intentions of those who right a wrong are irrelevant; if a policeman does her job, we do not ask whether her intentions are right. Theologians, of course, do not see things that way. Elshtain's collection is highly rewarding, especially for its sense of the *tradition*.

Elshtain and Walzer also feature in *But Was it Just?* the best post-Gulf collection specifically focused on the morality of that war. For some of the writers here, the intentions of the Coalition were crucial, and undermined their

---

[52] Walzer, *Just and Unjust Wars*; Jean Bethke Elshtain, ed., *Just War Theory* (Oxford: Blackwell, 1992); David Decosse, ed., *But Was it Just? Reflections on the Morality of the Persian Gulf War* (New York: Doubleday, 1992); Terry Nardin, ed., *The Ethics of War and Peace: Religious and Secular Perspectives* (Princeton, NJ: Princeton University Press, 1995).

[53] Walzer, *Just and Unjust Wars*, pp. 58 ff.

[54] As it happens Iraq did not have a good case, and Kuwait had a rather less repressive regime than Iraq, but, from Walzer's perspective, this is immaterial to the justice of the war.

claim of justice for their cause – a position effectively endorsed by the Vatican in an editorial from *La Civilita Catholica* published in this volume. Indeed, this editorial seems to suggest that the category of Just War must be abandoned altogether (p. 121) – a position held also by the Christian pacifist Stanley Hauerwas. The Palestinian writer Sari Nussibeh is more interested in the way in which interest-seeking actions become cloaked in the language of morality: in the power-based world of the 'respectable' nation-states, 'morality is mostly a myth, and self-righteousness is mostly a cover for self-interest' (p. 82). This is, in effect, the realist case against the notion of international justice, although Nussibeh would probably not appreciate being identified as a realist. George Weigel and Walzer present another perspective on the war, and for a balanced account of the Just War tradition in action, this is a splendid book.

Nardin's collection *The Ethics of War and Peace* has the great merit of examining not simply the classical debate between the Just War tradition (interpreted here by the leading Catholic natural lawyers John Finnis and Joseph Boyle) and its realist opponents, but also the approach to war and violence of other ethical positions, such as Judaism (represented here by Michael Walzer), Islam, Christian pacifism and feminism. This is a series of high quality, original essays which will be the starting point for future surveys of the subject.

THEORIES OF JUSTICE – INTERNATIONAL DIMENSIONS

One of the most interesting features of recent work on international justice is the way in which the agenda set by international political theorists has come to be accompanied by – perhaps challenged by – an agenda that reflects the concerns of writers who would usually be thought of as domestic theorists, namely the practitioners of the well-ordered discourse of justice referred to in the opening sentences of this survey. This change has not been without problems. A majority of recent writings on justice have been, in one way or another, contractarian, which is to say that they assume that principles of justice are determined, or perhaps legitimated, by an agreement freely entered into under ideal conditions by the parties concerned. This last phrase, 'by the parties concerned' causes many difficulties: what of the position of those who could quite plausibly be described as 'concerned' but are not (in some cases could not be) 'parties' to the contract? Such individuals would include future generations, the severely mentally handicapped, and, if, as usual, the contract is deemed to be struck within a particular society, members of other societies. How to handle the last problem – that of international justice – has divided modern contractarians.

The most influential modern contractarian is also, on my account, an international political theorist. In *A Theory of Justice* Rawls explicitly denies that his principles of social justice can be applied internationally. On his account, each society is to be conceived of for certain purposes as a self-contained 'co-operative venture for mutual advantage' (p. 4), the members

of which decide the terms of their association by contract under ideal conditions.[55] A second contract, also under ideal conditions, is then struck between the representatives of different societies/states to decide the terms of *their* association. What they are deemed to come up with is a series of principles reflecting the equal rights of states – self-determination, non-intervention, a right of self-defence, and so on, the standard set of normative principles espoused by Bull, Hoffmann and Nardin.[56] There is very general agreement that this position is unsatisfactory, agreement that perhaps encompasses the later Rawls – but less agreement as to *why* it is unsatisfactory. Some scholars – in particular Charles Beitz and Thomas Pogge – take Rawls to be insufficiently Rawlsian, believing that his principles of social justice can be applied internationally.[57] Others, particularly Brian Barry, regard Rawls's approach to international justice as symptomatic of what is wrong with his approach in general.[58]

The most important text here is the first, Beitz's pioneering study *Political Theory and International Relations*, because many of the arguments that surface later first see the light of day here. Beitz offers two reason why Rawls is wrong, both of which accept the essential premise of the Rawlsian approach – contractualism under ideal conditions. His first point is that, even if we accept that states are separate self-contained societies, their representatives would insist on a more wide-ranging contract than Rawls envisages. His second point is that, since states are *not* self-contained there is no reason to look for a second contract between them – instead Rawls's full account of justice should be applied world-wide, including the 'difference principle' which, much simplified, states that inequalities are just only if they are to the benefit of the least advantaged. These are quite separate arguments, and their fates have been equally disparate.

Beitz's first argument concerns the treatment of 'natural' resources; he argues *contra* Rawls that the representatives of states meeting in the second original position would not agree to a rule that confirmed that natural resources belong to the states whose territory encompasses them. The existing distribution of natural resources is morally arbitrary – there is no sense in which states could be said to *deserve* their resource endowment – and no representative would agree to a rule the effect of which might well be to leave her state bereft of any share of the world's resources. Instead, Beitz suggests, not knowing whether their

---

[55] The familiar apparatus of the 'original position' and the 'veil of ignorance' is here taken as read.

[56] Rawls, *Theory*, pp. 378 ff.

[57] Beitz, *Political Theory*; Thomas Pogge, *Realising Rawls* (Ithaca, NY: Cornell University Press, 1989).

[58] This was one of the main themes of Barry's early response to Rawls, *The Liberal Theory of Justice* (Oxford: Clarendon, 1973), and continues through to *Theories of Justice*. See, for example, section 23, chap. 5.

state was resource rich or not, risk-averse representatives would introduce a rule that distributed the world's resources equally.[59]

This is, on the face of it, a rather strong argument, and it is interesting that the same conclusion can be reached by a number of different routes. Thus, Barry reaches the same basic conclusion without employing a veil of ignorance, but simply as an 'impartial' rule, while Hillel Steiner derives a similar idea for a redistributive Global Fund from libertarian foundations.[60] Moreover, the argument that international justice requires equality of natural resources is not dependent on the state as the relevant unit: as Barry acknowledges, there may be practical reasons why it would be convenient to redistribute to states but this is not a matter of principle, while Steiner's position, which is complex, but essentially an extension of his ban on inheritance, would involve redistribution to individuals. Further, an equal distribution of the world's resources is also a practical proposition, assuming that a monetary value could be assigned to resources, and some kind of world-wide wealth tax introduced.

The problem with such a tax is that it could produce unintended and counter-intuitive results. If resources are defined in strictly material terms – coal, oil, copper and so on – some very poor countries might find themselves subsidizing some very rich ones (Namibia and Japan, say). One way round this – favoured by Steiner – would be to include land values in the definition of resources, so that, say, ground rents in metropolitan Tokyo would factor into the calculation of Japan's wealth. The problem here is that one could reasonably argue that such values, which are essentially created by the industry of – in this example – the Japanese people, are in a different category from unearned resources such as mineral deposits. To counter this point it might be said that it is true of *all* natural resources that they have no value until there is a demand for them and someone is prepared to bear the cost of extraction – but this argument undermines Beitz's point that the distribution of resources is morally arbitrary, and thus, also, his assumption that international contractors would adopt a norm of equality in this area. Perhaps Rawls was right to think that his approach would rule out a principle of international resource equality; however, it should be noted that neither Barry nor Steiner's argument is damaged by this redefinition of a natural resource.

Beitz's second argument is much more controversial. As noted above, his position is that, as a result of interdependence, the world must now be treated as a single society, which means that Rawls's full account of social justice applies, with no necessity for a second contract between state representatives.[61] The problem is that the present interdependent world system cannot plausibly be defined as a co-operative venture for mutual advantage which, as we have seen, is the definition of society Rawls employs to get his schema under way.

[59] Beitz, *Political Theory*, pp. 140 ff.
[60] See, for example, Barry, 'Humanity and Justice', and Hillel Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994), chap. 8, 'Epilogue: Just Redistributions', pp. 266–82.
[61] Beitz, *Political Theory*, pp. 129 ff.

Possibly parts of the advanced industrial world could be seen in this way – the European Union, for example – but it would be difficult to see relations between rich and poor countries in this light. Beitz has now acknowledged the strength of this criticism and effectively abandoned the Rawlsian justification for his cosmopolitanism in a later article – but not the cosmopolitanism itself, which he now grounds in a Kantian account of the moral equality of persons.[62] However, Beitz's original argument is restated in Pogge's *Realising Rawls*.[63] The difference between the two writers is that Beitz's world would be reshaped quite radically *by* Rawls's difference principle, whereas Pogge already has in mind what he takes to be an effective large-scale scheme for institutional and economic reform which would, allegedly, eliminate many sources of inequality. The role of Rawlsian analysis seems to be to legitimate these ideas rather than to play any significant role in their construction, and thus Pogge is unworried by the arguments about global interdependence and mutual advantage outlined above.

Brian Barry, by contrast, is concerned to construct critiques of social institutions on the basis of principles of justice, and regards one of the weaknesses of Rawls's theory as being the fact that Rawls does stress that, for his purposes, society is based on mutual advantage. One of the ways in which we can see what is wrong with this is precisely by showing, *contra* Beitz and Pogge, that such an approach does indeed have the implications that Rawls thought it did.[64] Rawls cannot from his starting point derive a theory of international justice, and since, in Barry's view, it would be perverse to promote the virtue of justice while excluding from its scope the most blatant examples of inequality and injustice in the world today, this is a good reason for abandoning (or at least severely modifying) Rawls's starting point and choosing another. Barry's account of justice as impartiality rests quite heavily on Scanlon's formulation, which assumes the desire for reasonable agreement, and asks of any system of rules whether they could reasonably be rejected by those so motivated.[65] It is clear that, on Barry's account, justice as impartiality has universal application – see his critique of Walzer's particularism[66] – and radical implications in terms of the world-wide distribution of income and the environmentally unsound lifestyles of the West. However, a full account of these implications will only appear in later volumes of the *Treatise on Social Justice*.

Picking up a point alluded to above, it is clear that one of the themes of modern discussions of international justice by justice theorists is that the problems of

---

[62] Beitz, 'Cosmopolitan Ideals'.

[63] And in Pogge, 'Cosmopolitanism and Sovereignty' in Chris Brown, ed., *Political Restructuring in Europe: Ethical Perspectives* (London: Routledge, 1994), pp. 89–122.

[64] Barry, *Theories of Justice*, p. 183 ff.

[65] Scanlon, 'Contractualism', p. 110.

[66] Barry, 'Spherical Justice'.

universalism loom large. The international political theorists discussed in the previous section of this article tend to assume that the existence of plural conceptions of the good is one of the reasons why we have an international society rather than a global government, a position buttressed by Walzer's view that only a 'thin' account of justice could apply internationally, since 'thick' notions of justice rely on shared understandings and common interpretations which exist within, but not between, societies.[67] Yet most justice theorists reject the idea that the reach of principles of social justice is limited by the boundaries of the territorial state – they are cosmopolitan rather than communitarian in orientation.[68]

Rawls himself is difficult to interpret on this matter. The substantive principles of justice set out in *A Theory of Justice* are designed explicitly for a liberal society; this could be taken to imply that only a liberal society could be just, or that other kinds of society might reasonably define justice differently. In *Political Liberalism* his account of the liberal conceptions of justice is 'political not metaphysical': 'political liberalism looks for a political conception of justice that we hope can gain the support of an overlapping consensus of reasonable religious, philosophical and moral doctrines in a society regulated by it'.[69] As in his earlier work, liberalism is neutral as between different conceptions of the good, in so far as these conceptions are prepared to allow important questions to be determined politically; now the emphasis seems to be that a conception of justice is just for a society only if accepted from within all reasonable comprehensive doctrines, which, indeed, opens up the possibility that different kinds of society might well have different conceptions of justice.[70]

In 'The Law of Peoples' Rawls attempts to work through the implications of his new formulations for international law and relations. He reiterates his original idea of a second contract to establish a society of peoples, but suggests that liberal societies have no obligation to accept tyrannical or dictatorial regimes as 'members in good standing of a reasonable society of peoples'.[71] However, as suggested above, not all regimes can reasonably be required to be liberal and therefore not all non-liberal regimes can be presumed to be tyrannies or dictatorships. Liberalism must respect other societies when they are 'well-ordered' even if they are not liberal – the example he gives is of a 'well-ordered hierarchical regime'. Such a regime would be peace-loving and

---

[67] Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, Ind.: University of Notre Dame Press, 1994), developing arguments from *Spheres of Justice*.

[68] For a discussion of recent normative theory organized around these two categories, see Chris Brown, *International Relations Theory: New Normative Approaches* (Hemel Hempstead, Herts.: Harvester-Wheatsheaf, 1992), also, Janna Thompson, *Justice and World Order: A Philosophical Inquiry* (London: Routledge, 1992).

[69] Rawls, *Political Liberalism*, p. 10.

[70] I am grateful to Brian Barry for clarification of this complex point; remaining confusions are, of course, my responsibility.

[71] Rawls, 'The Law of Peoples', p. 42. It is difficult to see why Rawls resists terms like 'international law' and 'international society'; these terms may be problematic but 'law of peoples' seems inaccurate as well as anachronistic.

would respect most human rights. It would differ from a liberal regime in only two substantial respects: a state religion would be allowable (but combined with freedom of conscience in matters of private belief, although not the freedom to express these beliefs) and representative institutions would not be mandated (although some form of assessing the will of the people is required).[72] The Law of Peoples would apply between such a regime and a liberal regime because both are well ordered.

Rawls is right to think that not all non-liberal regimes are the same, and to want to design principles of international justice that reflect the difference between tyrannical and non-tyrannical regimes, but it is difficult to believe that he has succeeded in this task. His account of a well-ordered 'hierarchical' regime is rather strange. On the one hand, if his criteria are taken at face value, it is difficult to think of any actual society that would be 'well-ordered' but not liberal – which suggests that these criteria are too tightly drawn. On the other hand, if they are loosened to allow, for example, a society such as Saudi Arabia to qualify, then the distinction between a well-ordered society and a tyranny seems to be in jeopardy. Part of the problem is that Rawls's formulation seems too generous to the institutions of non-liberal societies that have (allegedly) a religious foundation as opposed to those that do not. By most 'objective' criteria people have more freedom and greater opportunity to exercise it in an authoritarian capitalist society such as Singapore than they do in Saudi Arabia or the Islamic Republic of Iran, and it is difficult to see why we should regard the latter societies as better ordered than the former simply because they are able to cite a (highly contested) religious justification for their institutions. If we wish to make a distinction between different kinds of non-liberal societies it might be preferable to distinguish between those societies where it seems there is good evidence that the regime enjoys popular support and those where this is not the case – but, of course, there is no guarantee that such 'popular' regimes will give even the limited endorsement of liberal freedoms offered by Rawls's well-ordered hierarchy.[73]

In any event, most theorists of justice remain resolutely universalist. Barry's universalist account of justice as impartiality has been noted above. Kantian universalism is represented by Onora O'Neill's writings on need, hunger and justice, while utilitarians such as Peter Singer are, naturally enough, equally unsympathetic to particularist arguments.[74] And, of course, the human rights

---

[72] Rawls, 'The Law of Peoples', pp. 60 ff.

[73] 'Popular support' here might be seen as indicated by the rulers and ruled sharing a common understanding of the nature of social and political life; for this Walzerian formulation, see Walzer and Miller, *Pluralism, Justice and Equality*.

[74] Onora O'Neill, *Faces of Hunger: An Essay on Poverty, Development and Justice* (London: Allen & Unwin, 1986); Peter Singer, *Practical Ethics*, 2nd edn (Cambridge: Cambridge University Press, 1993), chap. 8, pp. 218–46. As a utilitarian, Singer is not a justice theorist in any strict sense of the term, but his work clearly has implications for international social justice.

movement in general is, by definition, universalist in orientation.[75] However, one of the strongest universalist accounts of the requirements of international justice is given by the legal theorist, Lea Brilmayer in *Justifying International Acts*.[76] Her essential argument is that it is a mistake to think that there should be different justifications for state action depending on whether it is 'domestic' or 'international'. Characteristically different justifications *are* given – thus, she suggests, the use of force domestically is usually taken to be a *political* matter, legitimated, if at all, by a political theory (setting out, say, the nature of political obligation and the responsibility of government to the governed), while the use of force internationally is, at best, regarded as subject to international *ethics* (elaborating matters such as just means in war). Her position is that there is no good reason for this distinction. Any exercise of coercive power, domestic or international by the state must be justifiable in the same political terms. Equally, there is no good reason to think about topics such as distributive justice or human rights in ways which presume from the outset that different theories apply domestically and internationally.

It is important not to misunderstand Brilmayer's position. She explicitly rules out the idea that one can 'simply take existing theories of political obligation and apply them mechanistically to problems of international relations' (p. 159). Political theories are necessarily complex and in different circumstances notions like legitimacy have different meanings; moreover, issues of territoriality have not loomed as large in political theory as they ought to have. Her point is that this is the terrain upon which debate should take place, rather than some intellectual space in which it is assumed that international and domestic issues require separate kinds of reasoning. Brilmayer's position is compatible with that of many of the contractarian theorists examined above, but rather more widely drawn. *Justifying International Acts* is specifically an argument directed against the assumptions of international political theory, and in recent work on the moral implications of 'hegemony' she is engaging with orthodox International Relations theory.[77] This latter work, however, highlights a difficulty her approach shares with that of some, but not all, other cosmopolitans.

In *American Hegemony* she offers a defence of the view that in favourable circumstances a liberal hegemony could be benign, even if exercised against the wishes and without the consent of non-liberal states. The problem with this ought to be obvious; employing the conventions of 'ideal theory' under which 'real-world' arguments are deemed to be out of order, liberal hegemony could indeed be benign, but once this stipulation is removed we can see that on past

[75] Pressures of space prevent any extended commentary on human rights here: see, Jack Donnelly, *International Human Rights* (Boulder, Colo.: Westview, 1993), for a recent overview. Writers on 'third generation' social and economic rights raise issues relevant to international social justice; see, in particular, Henry Shue, *Basic Rights: Subsistence Affluence and US Foreign Policy* (Princeton, NJ: Princeton University Press, 1980).

[76] Lea Brilmayer, *Justifying International Acts* (Ithaca, NY: Cornell University Press, 1989).

[77] Lea Brilmayer, *American Hegemony: Political Morality in a One-Superpower World* (New Haven, Conn.: Yale University Press, 1994).

form the possibility that it actually would be seems quite remote. One of the
reasons why poor, weak, countries are so keen to hang on to state sovereignty
and the norm of non-intervention is a quite justifiable fear that without these
defences they would be even more at the mercy of the rich and powerful than
they are now. International political theorists seem more ready to accept the
force of this argument than some theorists of justice.[78]

CONCLUSION: AGAINST JUSTICE, OR A MERGING OF AGENDAS?

International Relations theory is one of the areas in political science where
critical theory, postmodern and poststructural thinking has had the greatest
impact – quite plausibly in reaction to the limited range and 'positivist' methods
of orthodox theory.[79] Moreover, feminist scholarship, well established else-
where in political science, is now beginning to make its voice heard in
International Relations.[80] The relationship between this 'new learning' and
theories of international justice is complex and problematic, and the last section
of this survey will briefly examine this issue. The problem is easy to state.
Clearly the writings of the 'post-positivists' are infused with a sense of outrage
at what they take to be the moral bankruptcy of orthodox theory, and, for the
most part, they share with theorists of justice a deep desire to develop an ethics
that is not premised on the territorial state. However, with the partial exception
of some Habermasian critical theorists, they are unwilling to think of ethics in
terms of the requirements of justice. What is unclear is whether they offer a
satisfactory alternative to these requirements. These problems are visible in one
of the most interesting of recent works by a post-positivist scholar, David
Campbell's essay on the Gulf War, *Politics without Principle*.[81]

Much of Campbell's book consists of a very well-documented assault on the
ways in which the conflict of 1990–91 was presented in the official discourses
of the West and in the Western media. This is combined with a critique of the
statism of Just War theory, especially as represented by Michael Walzer. There
is little here that could not be endorsed by Beitz, Barry, or most other theorists
of justice. Where the argument parts company with the discourses outlined
above is in terms of the ethical stance Campbell endorses. He calls for a recasting
of ethics on lines drawn from the work of Emmanuel Levinas; for Levinas,
subjects are constituted by their relationship with the Other (a fairly standard

[78] Although most are prepared to give some credence to 'second-best' arguments along these lines;
see, for example, Barry, 'Justice as Reciprocity', p. 491.
[79] For an overview see Chris Brown, 'Critical Theory and Postmodernism in International
Relations', in A. J. R. Groom and Margot Light, eds, *Contemporary International Relations Theory*
(London: Pinter, 1994).
[80] See Margot Light and Fred Halliday, 'Gender and International Relations', in Groom and Light,
eds, *Contemporary International Relations Theory*.
[81] David Campbell, *Politics Without Principle: Sovereignty Ethics and the Narratives of the Gulf
War* (Boulder, Colo.: Lynne Rienner, 1993).

post-Hegelian position), and what recasts ethics is that 'this relationship with the Other means that one's being has to be affirmed in terms of a *right to be* in relation to the Other' (p. 92, emphasis in original). The rules that relate to social behaviour (morals) are always more contingent than they seem, and are inseparable from our ethical responsibility towards the Other. Ethics governs morality. The consequence of this is the recognition that *'"we" are always already ethically situated; making judgements about conduct, therefore, depends less on what sort of rules are invoked as regulations and more on how the interdependencies of our relations with others are appreciated'* (p. 93, emphasis in original).

Whatever else might be said of this project of recasting ethics in terms of wide-ranging notions of responsibility, it is clear that it cuts across most conventional understandings of 'justice', in much the same way that the feminist 'ethic of care' promoted in Carol Gilligan's *In a Different Voice* is apparently incompatible with an 'ethic of justice'.[82] In so far as 'justice' requires us to act in accordance with impartial rules, it is obviously difficult to square with an ethical approach that regards any kind of rules as subject to continual revision in accordance with our appreciation of the interdependencies of our relations with others.[83] It is precisely the merit of a commitment to the practice of impartiality that it amounts to a refusal to allow extraneous factors to cloud our judgement of particular circumstances. In Scanlon's formulation, we ask ourselves whether a reasonable person seeking reasoned agreement could reject a particular argument, not whether someone who was our friend or ally could, for that reason, reject it.[84] It might be worth at least considering making this move if some striking new insights were to be generated by it, but, in practice, Campbell's actual ethical prescriptions – reduce the tensions that give rise to political violence abroad, provide adequate foreign aid, and so on (p. 98) – are unexceptionable, if a little bland. It is not clear what additional work they could be expected to perform as a result of their being understood as the implications of 'heteronomous responsibility'.

The postmodern turn seems unlikely to provide new thinking on international justice at least as conventionally understood, but there are other, as yet unnamed,

---

[82] Carol Gilligan, *In a Different Voice* (Cambridge, Mass.: Harvard University Press, 1982). Iris Marion Young does not follow Gilligan's distinction but is equally sceptical towards what she takes to be the implications of impartial moral reasoning: *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), pp. 99 ff.

[83] Barry argues convincingly that the apparent attraction of an ethic of care, as opposed to an ethic of justice, rests on a misunderstanding of the demands of impartiality, which does *not* ask of us that we disregard all our pre-existing relationships when determining on courses of action (see *Justice as Impartiality*, Part III).

[84] A poststructuralist (or a Wittgensteinian) might make the point that what constitutes a 'reasonable' argument may vary according to the 'form of life' in question. Perhaps so, but if this point is taken seriously, a Walzerian concern with 'shared understandings' seems to be mandated, which is not what authors such as Campbell wish to promote. In any event, most justice theorists seem to be able to get by without raising these deep ontological questions.

shifts in the discipline of International Relations that may be more promising
– although, as of now, they are better represented in the journal literature than
in book form. Andrew Linklater's *Millennium* essay, 'The Question of the Next
Stage in International Relations Theory' is perhaps the best single introduction
to these new concerns.[85] Linklater is a 'critical theorist' – much influenced by
the Frankfurt School and Habermas – whose earlier work was neo-Marxist in
inspiration; his argument in 'The Question of the Next Stage' is that
International Relations should adapt to a research agenda which addresses the
normative, sociological and praxeological questions generated by the 'emanci-
patory project' of Marx, Frankfurt and the Enlightenment in general. This is,
of course, a large, ambitious, perhaps overambitious undertaking; the argument
is that what International Relations as such has to offer to the emancipatory
project comes out of the discipline's inherited concern with the politics of
bounded communities and with issues of inclusion and exclusion. Employing
the Habermasian notion of moral evolution towards an ever more inclusive
sense of community, Linklater sets out an agenda which revolves around three
sets of issues – the ways in which states act to define citizens and aliens, borders
and territories; the ways 'international society' defines differently the rights of
members and non-members; and the ways in which the incipient community of
humankind relates to communities defined by the territories of the nation-
states.[86]

It would be a mistake to adopt an uncritical approach to this research agenda,
which still takes the form of a promissory note rather than an achievement.
However, the notion that International Relations ought to think of itself as a
discourse engaged in an emancipatory project does fit in with a number of
recent shifts in the discipline. The rise of 'critical security studies' is based on
a similar conception of the role of International Relations as an emancipatory
discourse; the notion of 'security' is re-oriented away from the traditional
concern with military strategy towards a wider notion in which insecurity is a
multi-faceted concept and a major obstacle to human emancipation.[87] Some
feminist studies of international relations have also been concerned with the
wider problematic of emancipation and the drawing of lines of exclusion and
inclusion.[88] Richard Falk and his World Order Models Project, and David Held's

---

[85] Andrew Linklater, 'The Question of the Next Stage in International Relations Theory',
Millennium: Journal of International Studies, 21 (1992), 77–98.

[86] This formulation is drawn from Linklater, 'The Question of the Next Stage', p. 83. These three
sets of issues are clearly designed to parallel Kant's three legal constitutions from 'Perpetual Peace'
– the *ius civitas,* the *ius gentium* and the *ius cosmopoliticum* (Hans Reiss, ed., *Kant's Political
Writings* (Cambridge: Cambridge University Press, 1970), p. 98).

[87] A key author here is Ken Booth; see 'Security and Emancipation', *Review of International
Studies*, 17 (1991), 313–26; and Ken Booth, ed., *New Thinking about Strategy and International
Security* (London: Harper Collins, 1991).

[88] For example, the work of Cynthia Enloe, *Bananas, Beaches and Bases* (London: Pandora Press,
1989); *The Morning After* (Berkeley: University of California Press, 1993); and, less specific to
international relations, Seyla Benhabib, *Situating the Self* (Cambridge: Polity Press, 1992).

studies on global democracy could be seen to address a similar agenda.[89]

This new orientation towards International Relations theory clearly links up with much of the work on international justice discussed above. Even if critical theorists generally are unwilling to give priority to the virtue of justice, preferring, as they would put it, to privilege the 'good' rather than the 'right', any reasonable account of emancipation must make space for both procedural and distributive justice.[90] Critical International Relations theorists offer a more cosmopolitan agenda than international political theorists – although a neo-Hegelian such as Frost would argue that emancipation is achievable through the medium of the (rational ethical) state, and is not simply a cosmopolitan notion – and a more 'statist' agenda than most theorists of justice. However, in both cases, fruitful links are forged, and it may be that what we are witnessing here are the first stirrings of a wholesale recasting of intellectual agendas in which many of the separate discourses outlined above will merge, and the artificial divide between political theory and International Relations theory will come to an end. It is already coming to be the case that political theorists no longer find it acceptable to ignore the international dimension of contemporary political life – in a move that will be increasingly typical, it is noteworthy that around one third of the essays in a recent, authoritative, collection on *Political Theory Today* are on international topics.[91] Equally, a number of the essays in a later companion volume, *International Relations Theory Today*, reflect a range of sources and concerns which would have been inconceivable even ten years ago.[92] Perhaps it is not too much to hope that before long a well-ordered discourse of international justice will emerge.

[89] Richard Falk, *On Humane Governance: Towards a New Global Politics* (Cambridge: Polity Press, 1995); David Held, *Democracy and the Global Order* (Cambridge: Polity Press, 1995).

[90] For a classic statement of the need for a 'thick' theory of the good, see Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1989), esp. Part I, 'Identity and the Good'.

[91] David Held, ed., *Political Theory Today* (Cambridge: Polity Press, 1991).

[92] Ken Booth and Steve Smith, eds, *International Relations Theory Today* (Cambridge: Polity Press, 1995).